

SENATE BILL REPORT

SHB 1445

As Reported By Senate Committee On:
Government Operations & Elections, March 29, 2007

Title: An act relating to making adjustments to the recodification of the public records act.

Brief Description: Making adjustments to the recodification of the public records act.

Sponsors: House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General).

Brief History: Passed House: 2/23/07, 94-0.

Committee Activity: Government Operations & Elections: 3/29/07 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: In 1972, voters approved Initiative 276. The initiative called for disclosure of campaign finances, lobbyist activities, financial affairs of elective officers and candidates, and access to public records. The public records disclosure statutes were codified between the statutes on campaign finance reporting and campaign contribution limits, making responsibility for enforcement of the public records disclosure status unclear. In 2005, the Legislature enacted HB 1133 to move the public records portions of the Public Disclosure Act into a new chapter, RCW 42.56, the Public Records Act (PRA). Definitions relating to the PRA were incorporated by reference to RCW 42.17.

Summary of Substitute Bill: Agency, public record, and writing are defined. Previous references to definitions in Chapter 42.17 RCW are referenced to Chapter 42.56 RCW.

The state of statutory intent is amended to state that in the event of a conflict between the provisions of the PRA and any other act, the provisions of the PRA must govern.

An exemption for small business economic impact statements is removed from the category of exemptions for insurance or financial institutions and placed in the category of exemptions relating to financial, commercial, and proprietary information.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The exemption relating to the conditions in which law enforcement may request a person's utility records is restored to its meaning prior to recodification of the PRA.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Please keep the definition of "writing" as it is in the house bill. There are concerns about inconsistencies in the law if two bills with different definitions pass.

Persons Testifying: PRO: Representative Kessler, prime sponsor.